

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION

TIVO, INC., a Delaware Corporation,

§

Plaintiff,

§

v.

§

CIVIL ACTION NO. 2:09-CV-257-DF

§

**VERIZON COMMUNICATIONS, INC., a
Delaware Corporation, et al.**

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§

§

Defendants.

§

**ORDER GRANTING UNOPPOSED MOTION FOR ENTRY OF JOINT STIPULATION
REGARDING DISCOVERABLE INFORMATION WITHHELD FOR PRIVILEGE**

The Court, having considered the motion and stipulation, is of the opinion that they are well-taken. Pursuant to the joint stipulation, it is hereby ORDERED that:

TiVo and Verizon¹ mutually agree to limit their privilege logging requirements as follows:

1) TiVo Inc. shall only log documents or information protected from disclosure by the attorney-client privilege, the attorney work product doctrine or the joint defense common interest doctrine that, but for the privilege or interest, contain otherwise discoverable information:

i) created before August 1, 2009 and that refer or relate to the patents asserted by Verizon in this matter, including only: U.S. Patent No. 5,410,344; U.S. Patent No. 5,635,979; U.S. Patent No. 5,973,684; U.S. Patent No. 6,367,078; U.S. Patent No. 7,561,214; and U.S. Patent No. 6,381,748.

2) Verizon shall only log documents or information protected from disclosure by the attorney-client privilege, the attorney work product doctrine or the joint defense common interest doctrine that, but for the privilege or interest, contain otherwise discoverable information:

¹ "Verizon" includes Verizon Communications Inc., Verizon Services Corp., Verizon Corporate Resources Group LLC, Verizon Corporate Services Group Inc., and Verizon Data Services LLC.

- i) created before August 1, 2009 and that refer or relate to the patents asserted by TiVo Inc. in this matter, including only: U.S. Patent No. 6,233,389; U.S. Patent No. 7,529,465; and U.S. Patent No. 7,493,015; or
- ii) that refer or relate to U.S. Patent No. 7,561,214, U.S. Patent No. 6,367,078, or the applications leading to those patents and were created during the prosecution of those patents, provided that such documents or information need not be logged if TiVo's claims for inequitable conduct pertaining to these patents are dismissed or withdrawn.

3) The parties reserve the right to request that additional discoverable information withheld for privilege be added to any privilege log created under this stipulation by putting forth in writing good cause for logging such information.

SIGNED this 27th day of December, 2010.



DAVID FOLSOM
UNITED STATES DISTRICT JUDGE